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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 6 April 1999, at 6 p.m.

Chairperson: Mr. BAUMANIS (Latvia)

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The meeting was called to order at 6.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued) (E/CN.4/1989/46, E/CN.4/1999/7, 25-27, 30-38, 40-43, 104, 107, 117, 119, 121, 125-127, 129-137, 139; E/CN.4/1999/NGO/3, 11, 12, 16-20, 29 and 61; S/1998/581; A/53/402 and 490; A/52/539)

1. Mr. NAZARIAN (Observer for Armenia), regretting the failure to implement the resolutions on the situation in Cyprus adopted by the Security Council and the Commission, called for the restoration of the fundamental human rights of all Cypriots throughout the country, rights which had been systematically destroyed and desecrated.

2. His Government was also concerned about the issue of Nagorny Karabakh; hundreds of thousands of Armenians had been deported as a result of gross violations of basic rights by the Government of Azerbaijan. Atrocities committed between 1988 and 1992 had gone unpunished, and some of the perpetrators had become national heroes in Azerbaijan. Deported Armenians were still awaiting compensation for property lost at that time.

3. In the interests of lasting regional peace and security, his Government had accepted the latest proposal put forward under the auspices of the Organization for Security and Cooperation in Europe (OSCE), but the same proposal had been rejected by Azerbaijan.

4. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that numerous calls had been made, in a number of recent General Assembly resolutions and various human rights texts, for the streamlining and reform of human rights mechanisms, yet one group, which had a block vote, had fought hard to prevent any genuine change. That group was attached to the current country-situation procedure, which was based on the use of the politics of shame, and made no allowance for the establishment of other procedures. The European Union, which had traditionally sponsored the resolution on the situation of human rights in the Islamic Republic of Iran, had named many countries in its statement, but had not once mentioned possible human rights violations in Europe. The current system was selective, biased, arbitrary and very much influenced by political considerations. Human rights violations occurred in all parts of the world.

5. The resolution on the human rights situation in the Islamic Republic of Iran, where significant improvements had taken place, was a typical case of selectivity and politicization, as the political interests of the sponsors were given more importance than the human rights mechanism itself. The Commission's country-situation procedure must be credible, impartial and non-selective if it was to make a meaningful contribution to human rights globally. Among the proposals likely to help ensure the objectivity of the Commission's work, and to forestall politicization and selectivity, were those advocating norm and criteria setting, secret voting on country-situation

resolutions, consideration of certain cases every two years, arrangements for genuine negotiations on country situation resolutions and promotional activities.

6. Mr. KRISAFI (Observer for Albania) noted that for years violations of human rights in the Federal Republic of Yugoslavia had been the subject of resolutions adopted by the Commission. The most recent example of such violations was the situation in Kosovo, where organized State terrorism carried out by the Serb authorities had led to a particularly grave situation not only for Kosovo itself, but for the entire region. As it had throughout the century, Serbia had, in 1998 and since the Rambouillet negotiations, begun to "ethnically cleanse" Kosovo by resorting to killings, terror and mass expulsions.

7. The international community had made many efforts to stop the violence, especially in the last 10 years, but to no avail. The air strikes carried out by NATO against military targets had been prompted by the fundamental values of democracy and respect for human dignity. They were the best response the democratic world could make to a dictator. The people of Kosovo should be ensured enjoyment of their inalienable right to decide their fate for themselves, rather than having their territory divided or partitioned. His Government commended the commitment of the United States, the United Kingdom, Germany, France, Italy and the other NATO allies, and indeed the entire international community, for the support they had given to the people of Kosovo.

8. Mr. ARTUCIO (Special Rapporteur on Equatorial Guinea), introducing his report (E/CN.4/1999/41), said the gradual progress to which the previous report had referred had unfortunately not been confirmed, and no significant advances had been noted in the electoral process and the rule of law. Referring to the sections devoted to the activities of political parties, freedom of the press, the administration of justice, persons detained since the attempted rebellion of 21 January 1998 and political detainees, he noted that the democratization process had stopped and respect for human rights had even been set back. The Government had failed to take effective measures to replace authoritarian elements in the public administration with elements capable of creating a pluralistic and democratic society.

9. Mr. MANGUE (Observer for Equatorial Guinea) said that for 20 years his Government had worked with the Commission's Special Rapporteurs; it would continue to do so with a view to consolidating the rule of law and democracy. The Government had requested technical assistance in human rights and the administration of justice through training programmes for lawyers, prosecutors, judges, magistrates and others. It also hoped to receive assistance in the fields of governance and human rights, in accordance with the various recommendations by the Special Rapporteur.

10. The Government and the political parties maintained a constant dialogue in a climate of cooperation, as reflected by the successful preparation and holding of elections in March 1999, with 96 per cent participation. It was surprising indeed that the Special Rapporteur had decided to give short shrift to the efforts made. His report appeared to be overly pessimistic and concentrated unduly on theoretical aspects. In practice, Equatorial Guinea

was a democratic country with a free press and freedom of expression, where the Government was criticized and people could speak their minds. The amount of foreign investment testified to that fact. The recent elections had been recognized by the international community, the political opposition was playing its role, and all fundamental rights and freedoms were recognized, just as they were in any democratic, developing society.

11. The Government had had some reservations about the report, and it had invited the Special Rapporteur to verify many of the things he denounced, but he had declined. The report repeated rumours and specious accounts given by the political opposition. If that opposition had put forward constructive proposals, the dialogue with the Government would make headway. It was hoped that the parties represented in the new Parliament would work in a spirit of cooperation with the Government.

12. The Government was prepared to verify in situ complaints of detention, ill-treatment and other concerns expressed in the report. Equatorial Guinea had undergone 200 years of colonial rule and 11 years of dictatorship with no democratization whatsoever. Despite the vestiges of the previous regimes, the current Government, which accepted the criticism levelled against it, was the only one in the country's history which had succeeded in pursuing democratic objectives. It had introduced a free market economy, opened the country up to the rest of the world, established a multi-party system, held various elections, maintained peace and trust among the population and ethnic groups, and revised legislation, as recommended by the Special Rapporteur. Human rights and democratization, far from being paralysed as the Special Rapporteur had maintained, were constantly developing.

13. Equatorial Guinea needed cooperation and technical assistance for the consolidation of the rule of law. It therefore called for the creation of its own centre for the promotion of human rights to assist not only the Government but also civil society in establishing the required mechanisms.

14. Mr. HADZIMUSIC (Observer for Bosnia and Herzegovina) said that since the signing of the Dayton Peace Agreement, implementation of the civilian aspects of the Agreement had progressed, albeit slowly. The adoption of a common form of vehicle licence plate, passport and national currency had improved freedom of movement between the two entities within the country, and the institutions of both entities were functioning better. The right of return or fair compensation for refugees and displaced people was the key to implementation of the Agreement. Some 800,000 people were still refugees, mainly in other countries, and a quarter of them had requested the right to return. While the right to fair compensation had not yet been realized in practice, some headway had been made in the past year, as the two entities had both adopted legislation governing private property. On the other hand, the eviction of illegal tenants remained a slow and ineffective process.

15. The country still had to develop freedom of expression and press freedoms, and national, religious and political discrimination remained. Since 1998 there had been cooperation between the various nationalities in establishing, with the help of international experts, the fate of people who had disappeared during the conflict. Though the Constitution incorporated all the provisions of the European Convention for the Protection of Human Rights

and Fundamental Freedoms, current practice still diverged widely from the constitutional standards. The commission comprising the Ombudsman and the Human Rights Chamber was making an increasingly positive contribution to the protection of human rights in Bosnia and Herzegovina, and the fiftieth anniversary of the Universal Declaration had been marked in both Sarajevo and the Republika Srpska. In the two entities, human rights bodies, NGOs and intergovernmental organizations were improving the general situation and would no doubt assist in meeting the standards required for membership in the Council of Europe, which was an important national objective.

16. The international community, and specifically the Office of the High Representative, the Organization for Security and Cooperation in Europe, the multinational stabilization force (SFOR) and the International Penal Tribunal for the Former Yugoslavia, were to be thanked for their support in bolstering human rights in the country. The presence of the international community was indispensable, and its assistance in various fields would help in the reconciliation and democratization process.

17. Mr. DE SANTA CLARA GOMES (Observer for Portugal) said the situation in East Timor was still critical, despite steps taken towards a political settlement. Indonesia claimed that only 17 political prisoners remained in detention, but NGOs had reports of more than 100; arbitrary arrests by the military and paramilitary forces made it difficult to determine their exact number. Such prisoners should be released before the referendum on the future of the territory.

18. Indonesia's overwhelming military presence had not been reduced, and civilian militias armed and sponsored by sectors of the military had appeared, prompting thousands of people to abandon their homes. New killings were being reported regularly, and the 5,000 displaced people had to cope with food shortages and a lack of medical assistance.

19. The territory faced a serious risk of radicalization if the situation did not improve. A peace and stability commission would do much to promote reconciliation. As long as it occupied the territory, Indonesia bore responsibility for maintaining the internal security required for the democratic consultation process. That would require the disarming of civilian militias, a reduction in the number of Indonesian troops and a United Nations presence in the territory.

20. Mr. LUCK (Observer for Australia) underscored the importance which his delegation attached to institution-building as the best way to realize all human rights. Institutions could safeguard freedom of expression and the independence of the judiciary, and could ensure good governance.

21. The situation in Indonesia was complex. Structural reforms were under way in response to the people's clearly stated desire to participate in the political process and civil society was much less fettered, yet social tensions were erupting in violent incidents in many parts of the country. Indonesia needed support in its efforts to meet the numerous challenges confronting it. The political situation in East Timor was particularly sensitive. The transition to a new status, whether autonomy or independence,

should be smooth and peaceful, with reconciliation and disarming of civilian militias. Confidence-building measures should be taken by the Indonesian authorities.

22. China had made progress in the past two decades in the realization of economic and social rights. His Government urged China to ratify and incorporate into domestic law both the International Human Rights Covenants it had signed, and expressed concern about the arrest, trial and sentencing of members of the China Democracy Party.

23. On Bougainville in Papua New Guinea, a ceasefire had been declared. Australia strongly supported the process of reconciliation and respect for human rights through an aid programme and participation in the multinational police monitoring force. His Government was very concerned about human rights conditions in Myanmar. The ongoing repression of the National League for Democracy and detention of opposition members and others for expressing their political opinions were unacceptable, and the Government should secure their immediate and unconditional release. The ethnic conflict in Sri Lanka, too, was a cause for deep concern, although there had been some improvement, including the prosecution of members of the security forces for human rights abuses and a decline in the number of disappearances. The continuing and brutal killing of innocent civilians by the Liberation Tigers of Tamil Eelam (LTTE) and the LTTE's use of child soldiers were deplorable.

24. A pervasive culture of impunity had impeded the realization of human rights in Cambodia. An ad hoc international tribunal should be established, and a mechanism to try Khmer Rouge leaders should be set up with the support of the Cambodian Government. The limited or even non-existent access for women and girls to health care in Afghanistan was a matter of concern. Australia welcomed the return of United Nations personnel to the country and urged all Afghan factions to respect universal human rights norms. In Iran, a welcome and open debate on governance and human rights was taking place, yet Australia was still concerned about the treatment of religious minorities, and in particular the followers of the Baha'i faith. The Iranian Government should receive the Special Representative to carry the dialogue forward.

25. Australia was also concerned about the situations in Algeria, Nigeria, the Great Lakes region of Africa and Cyprus. The crisis in Kosovo was a potent reminder of what could happen if Governments violated the human rights of their citizens. Australia, deeply disturbed by the massive displacement of ethnic Albanians and the reports of executions by Serbian forces, called on President Milosevic, who bore direct responsibility for the crisis, to take the necessary steps to bring it to an end.

26. Mr. TEKLE (Observer for Eritrea) said that the Government of Ethiopia had been engaged in a systematic and brutal reign of expulsion, detention, torture and execution of some 54,000 Eritreans and Ethiopians of Eritrean origin solely and purely on the basis of their ethnic origin. Over 160,000 people had been displaced, and 1,000 had gone missing. The overwhelming majority of the victims had been Ethiopian citizens, most of whom had been born and raised in Ethiopia. Some had been deported for having one parent, or even one grandparent, who had been born as an Eritrean. Internationally-recognized NGOs such as Amnesty International and Human Rights

Watch, various Governments and international organizations had testified to the anguish of the victims of those gross violations of human rights, which had no basis in the Ethiopian Constitution or the Penal Code. The acts were based on the immoral, evil and racist tenet known as the "Meles doctrine", according to which "any foreign national, whether Eritrean or Japanese ... lives in Ethiopia because of the goodwill of the Ethiopian Government. If we say 'Go, because we do not like the colour of your eyes', they have to leave".

27. The Ethiopian Government maintained that those expelled were spies, infiltrators and saboteurs, yet they included a blind octogenarian, a five-year-old girl and an army colonel who had commanded several Ethiopian divisions against the Eritrean liberation struggle. The Government would also no doubt argue that it could make derogations from the human rights provisions of its own Constitution and Penal Code for the sake of State security. However, that would permit it neither to revoke the citizenship of its nationals of Eritrean origin, nor to violate the Fourth Geneva Convention by carrying out mass deportations and the forcible transfer of populations, which was, according to the draft code of crimes against the peace and security of mankind, a crime against humanity.

28. The United Nations High Commissioner for Human Rights, the Secretary-General, the Prime Minister of Sweden, the United States Government, Amnesty International, Human Rights Watch and the Heads of Mission of the European Union in Eritrea had all denounced Ethiopia's violation of humanitarian law and human rights law. Eritrea, for its part, had ensured the protection of the human rights of all Ethiopians living in Eritrea.

29. The Commission had a vital role in confronting Ethiopia's gross violations of human rights. It must inform the Ethiopian Government that no State could derogate from the provisions of the Geneva Conventions on the grounds of a national emergency, and that no State could invoke its sovereignty to violate human rights. At the very least, the Commission should send a clear message of condemnation of Ethiopia's acts and sympathy with the victims. Silence would only legitimize those acts and undermine human rights norms. His delegation therefore requested that the Commission should appoint a Special Rapporteur on Ethiopia.

30. Ms. BECIREVIC (Observer for Croatia), referring to the mandate of the Special Rapporteur on Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, said the three countries had evolved very differently in terms of democratic processes, institutions and human rights protection mechanisms. The Special Rapporteur's mandate, which had been the first to include humanitarian aspects, had evolved as well, and after the signing of the Dayton Peace Agreement had focused on monitoring institutions in civil society. However, that mandate disregarded the fact that civil society was not evolving at the same pace in the three substantially different situations.

31. Croatia had enjoyed good cooperation with each Special Rapporteur and had always cooperated with international monitors. Croatia was the only country among the three that was a member of the Council of Europe and, as such, was subject to the most stringent regional human rights mechanism, the European Court of Human Rights.

32. No report had yet been submitted evaluating the Special Rapporteur's mandate and the compliance of each State with his recommendations. Unfortunately, the Commission did not take into consideration the level of compliance in its assessment of the Special Rapporteur's proposals. The mandate had simply been renewed automatically.

33. The report of the previous Bureau (E/CN.4/1999/104) on the review of mechanisms had called for a more focused, systematic approach, taking into account compliance with past recommendations. It was hoped that the Commission would modify its practice accordingly so as to differentiate between the three countries concerned and treat each in a manner appropriate to its institutional development and progress in the areas of democracy and human rights. It should not cover all three countries in a single resolution, placing them under a single Special Rapporteur's mandate.

34. The Special Rapporteur had rightly stated that Croatia was the most stable country in the region, but when he addressed the return of refugees he omitted to take into consideration the need to preserve that stability. He had also failed to emphasize the interconnection of the return of refugees to all three countries, and did not even touch on the problem with regard to the Republika Srpska.

35. Mr. KARAÏTIDIS (Observer for Greece) said that 24 years after the Commission had first adopted a resolution on the situation of human rights in Cyprus and notwithstanding all the relevant Security Council resolutions, which Turkey had ignored, 37 per cent of the country remained under Turkish occupation. Nearly 200,000 refugees from the 1974 invasion were still denied the right to return to their homes, which were being illegally given to members of the Turkish army and settlers from mainland Turkey, who numbered over 114,000. Of the 20,000 Greek Cypriots who had initially stayed in the areas occupied by Turkey, only 628 remained. Over 1,600 Greek Cypriots were still missing as a result of the 1974 invasion. The cultural heritage of Cyprus was being systematically and deliberately destroyed.

36. The international community should not merely call on all sides to find a solution, but should demonstrate its determination to ensure that a just and viable settlement based on the international rule of law could be found. One side had accepted Security Council resolutions and the other had not.

37. Ms. EIVAZOVA (Observer for Azerbaijan) said that genocide had repeatedly been perpetrated against the Azerbaijani people since the middle of the nineteenth century, when Armenians had begun pursuing the dream of a "greater Armenia". Thousands of Azerbaijanis had been barbarically killed or driven from their homes, and hundreds of settlements had been destroyed. In 1988, with the blessing of the Armenian authorities, about 200,000 Azerbaijanis had been forcibly deported from their historical homeland in present-day Armenia. About 216 people had been killed during that campaign of "ethnic cleansing". In February 1992, Armenians had massacred the people of the small Azerbaijani town of Khojaly. As a result of the military aggression of Armenia against Azerbaijan, 1 million Azerbaijanis had been expelled from their homes and forced to live in tents. One fifth of the territory of

Azerbaijan was under military occupation, and Armenia was increasing its military presence there, despite repeated appeals for restraint from international bodies.

38. The United Nations had demonstrated its increasing inability to resolve conflicts. Its mechanism for monitoring compliance with United Nations resolutions should be reconsidered. The work of the co-chairmen of the Minsk Group, one of which was the Russian Federation, had in recent times been unsatisfactory. The Russian Federation was militarily cooperating with and arming Armenia, thus posing a serious threat to the peace process and prospects for stability and security in the region.

39. Mr. ZUNIGA (Observer for Nicaragua) said that very recently the highest Spanish court had dismissed proceedings against Fidel Castro.

40. Ms. HERNÁNDEZ QUESADA (Cuba), speaking on a point of order, said the speaker was a member of a Cuban exile group sponsored by the United States. His group had been responsible for terrorist bomb attacks which had resulted in death. He had been given the floor in the name of a servile Government of a banana republic, which had sold out to others' interests. Her delegation would continue to interrupt him, as terrorists should not be allowed to address the Commission.

41. The CHAIRPERSON, reminding the delegations that they should show respect for one another, called the Cuban delegation to order and said the speaker was a duly accredited member of the Nicaraguan delegation and would therefore be allowed to proceed.

42. Mr. ZUNIGA (Observer for Nicaragua) said that very recently the highest Spanish court had dismissed proceedings against Fidel Castro for genocide, crimes and torture committed against the Cuban people during his 40 years in office; it had found that he enjoyed immunity because he was the head of a State with which Spain maintained diplomatic relations. It was truly unfortunate that justice could be done for the 3,000 victims of Pinochet, but not for the 18,000 victims of Castro. The United Nations High Commissioner for Human Rights would soon receive thousands of affidavits filed by relatives of the victims attesting to the crimes, horror and oppression to which Cubans had been subjected under Castro.

43. The Special Rapporteur on Cuba had for seven years been unable to carry out the mandate assigned by the Commission. Surely something was wrong with the human rights mechanisms of the United Nations if a Government could simply and arbitrarily invoke an alleged political "plot" against it in order to avoid honouring its commitments under the Charter. Did the representatives of the Cuban regime think the Commission would believe that human rights were respected in Cuba simply because they said so? Surely they did not believe it would turn a blind eye to the complaints constantly filed, or to the reports on human rights submitted by working groups, the Representative of the Secretary-General, the Special Rapporteur and the International Labour Organization, and the 40 reports issued by the Inter-American Commission on Human Rights. Did they believe that all those bodies and specialists were partial and had all conspired to lie about Cuba for so many years? Was it

possible that Amnesty International, the Inter-American Press Association, Pax Christi International and Americas Watch too were lying? That would indeed make Cuba the victim of the greatest conspiracy of all time.

44. Cuba was the only country in the world which had not held a single celebration for the fiftieth anniversary of the Universal Declaration of Human Rights. Those who, like Mr. Oscar Elías Biscet, had tried to mark the occasion by simply reading aloud the 30 articles of the Universal Declaration in Havana's Butari park had been subjected to brutal beatings and arrested.

45. Since 1998, there had been no Special Rapporteur on Cuba, yet the country's cooperation with the Commission had not advanced at all. If the Cuban Government wanted the truth to be known in the Commission, it could simply open the country up to investigations by the thematic rapporteurs. That would not happen, though. The Cuban authorities remembered full well the working group sent by the Commission 11 years before, which had mentioned in its report (E/CN.4/1989/46) complaints of disappearances, torture and extrajudicial executions, together with repression of basic human rights.

46. The continued application of the death penalty in Cuba was clearly aimed at maintaining the population in a state of terror. According to Amnesty International, at least five people had been executed in 1998 and six more were on death row, including the political prisoner Humberto Real Suárez, whose life could perhaps be saved if the Commission made an appeal for clemency. Other political prisoners, including Jorge Luis García Pérez and Bulmaro Gomez Dias, were held in subhuman conditions and subjected to beatings, and independent journalists such as Raul Rivero and Lorenzo Paez had received threats.

47. Mr. PAK Dok Hun (Observer for the Democratic People's Republic of Korea) said that despite the hopes that United Nations human rights bodies would be less politicized after the end of the cold war, politicization had gone so far as to attempt to change the social systems of some countries. Those States that had developed socio-political systems which were unique had thus been the target of accusations from Western States not because of their deeds, but because of their political systems, while those embracing Western political systems were immune to censure. The purpose was clearly to force countries into accepting Western values and the Western political and economic system.

48. Countries which considered their sovereignty as vital could never accept the imposition of such values through power politics. Politicization, selectivity and double standards were the main obstacles blocking progress in the work of the Commission, which, on the threshold of the twenty-first century, should adopt the objectivity and impartiality required for it to fulfil its mission.

49. Human rights violations of serious concern to the international community were still being committed by a certain regime, which resorted to disgraceful Fascist laws under the pretext of national security. In Western countries, which made summary judgements about the human rights situations in developing countries, there were gross violations of human rights, including racism, xenophobia, discrimination, police brutality and ill-treatment, solitary confinement and deaths in detention, to name a few. Millions of

people were homeless or unemployed and had no access to health care, for which the States concerned had denied any responsibility. Surely that was not the kind of society that all the peoples of the world would have to choose.

50. Governments must guarantee the happiness, safety, rights and freedoms of their peoples. His Government would continue to defend its own style of socialist democracy and to fully guarantee the democratic freedoms and rights of its people.

51. Mr. N'DJEMOTI (International Federation of Human Rights Leagues) called upon the Algerian Government to grant access to the country to special rapporteurs and NGOs. The Government of Bahrain had failed to meet the specific commitments it had undertaken at the most recent session of the Sub-Commission on the Promotion and Protection of Human Rights. Flagrant and massive violations of human rights had taken place in Chad in 1997 and 1998, and the Commission should appoint a special rapporteur on the situation in that country. The fact that systematic human rights violations were taking place in China, where prisoners of conscience were exiled and the Government showed no real desire to improve the situation notwithstanding the country's signing of various international instruments, called for the adoption of a Commission resolution.

52. Some 95 NGOs had called upon the Commission to appoint a Special Rapporteur on the human rights situation in Mexico, where there was apparently little political will to take effective measures and where the judicial branch lacked independence. The Commission should continue to monitor the situation in such places as the Great Lakes region of Africa, Iran and Nigeria, and should strengthen the mandates of the Special Rapporteurs on the Democratic Republic of the Congo and Rwanda.

53. Ms. GRAF (International League for the Rights and Liberation of Peoples) expressed frustration at the situation in Cyprus, where the Turkish Government, by systematically refusing to enter into serious negotiations, was buying time to consolidate demographic changes and to deny the rights of Greek Cypriots and Maronites.

54. The worsening plight of the Kurds in Turkey had been conveniently overshadowed by the events in Kosovo. Since the capture of Abdullah Öcalan, leader of the Kurdistan Workers' Party, the Turkish Government had, under the pretext of anti-terrorist measures, restricted the legal, non-violent channels previously available to the Kurdish people. Some 8,000 Kurds, including 800 children, had disappeared or been arrested, and non-violent demonstrations had been violently repressed by the police. By giving primacy to violence, the Government would only push the Kurdish people to radicalize and respond in kind. The Commission should therefore appoint a rapporteur on the situation in Turkey, and the United Nations should begin a mediation effort to encourage dialogue between the Government and the Kurdish people.

55. Mr. LARSON (Lutheran World Federation), also speaking on behalf of Oxfam, Save the Children UK, the World Christian Life Community, Jesuit Refugee Service and DanChurchAid, expressed concern about the situation of Bhutanese refugees, 90,000 of whom were living in camps in eastern Nepal. Eight years after the refugees had been forced from their homes in southern

Bhutan by the ethnically discriminatory policies of the Government of Bhutan, the Governments of Nepal and Bhutan had held only desultory talks with a view to resolving the crisis bilaterally and had made no substantial progress.

56. The Sub-Commission had expressed its concern about the situation of the refugees and had urged the two Governments to take effective and urgent steps to negotiate their return. It had suggested that they should avail themselves of the technical assistance of OHCHR and UNHCR so as to ensure respect for the principles of international law relating to non-discrimination, the right to return, the right not to be arbitrarily deprived of one's nationality, the reduction of statelessness, and the realization of economic, social and cultural rights. Clearly, the "bilateral process" had faltered. The Governments of Nepal and Bhutan must be urged to ensure that the refugees' rights were respected.

57. Mr. AMATYA (World Federation of Trade Unions), noting that the Constitution and legal framework in Pakistan had created a distinction between citizens, said that the Ahmadiyas were not allowed to practise their faith, which had been declared as non-Muslim. Hindus were called the "last among equals" by the Pakistani media, and Christians had been assigned separate electorates, effectively segregating them.

58. Pakistan had tampered with the accepted institutional and legal structures of secular and pluralistic democracy, and its leaders were devoting all their energies to continuing their hold on power. As a result, Pakistan had become a base for many terrorist groups and had supported the activities of the Taliban, which had given refuge to Osama bin Laden. The French organization, Geopolitical Drug Watch, had reported that the Government of Pakistan and, in particular, the army's Inter-Services Intelligence Agency were continuing to use drug money to finance the work of about 10 fundamentalist organizations operating in Kashmir, Tajikistan and even Chechnya.

59. Ms. SAYEGH (General Arab Women's Federation), referring to the situation of the Iraqi people, said massive human rights violations were continuing because of the sanctions imposed on the country and military strikes by the armed forces of the United States and the United Kingdom. The sanctions imposed by the Security Council had resulted in nine years of disease, hunger and death, violating the principles of human rights, the United Nations Charter and the Geneva Conventions.

60. More than 1.5 million Iraqis, for the most part children, had perished since 1990. Between 5,000 and 6,000 more children died every month. As a former United Nations official had said when resigning from his post in disgust, the sanctions were an immoral and illegal genocidal war against innocent civilians.

61. The Commission and the United Nations as a whole must halt the military aggression against Iraq. Forcible measures taken unilaterally under the pretext of exercising punitive actions were illegal and, in any case, ineffective. They simply created despair, hatred and violence. What was

needed was a civilized, just and constructive dialogue so as to resolve the human tragedy and give Iraqi children the chance to survive, to develop their potential and to hope for a better tomorrow.

62. Mr. KHAN (European Union of Public Relations), noting the lack of attention paid to the human rights situation in Pakistani-held Kashmir, said that fundamental rights in Gilgit and Baltistan were non-existent. The northern parts of Gilgit and Baltistan were not even a part of Pakistan according to the Constitution, yet Pakistani officials and army generals appointed by the Islamabad Government administered it. There was no voting, no freedom of movement, no university and no assembly there. No political activity was permitted, and anyone who called for justice was ruthlessly crushed.

63. The situation in the so-called "Azad Kashmir" where the Pakistan Government had set up a puppet regime, was not much better. An interim constitutional act imposed on the territory in 1974 deprived most people of freedom of expression and assembly and the right to vote and to stand for election, and benefited pro-Pakistani stooges. The Pakistan authorities were deliberately attempting to undermine the Kashmiri nation through a Punjabi cultural and demographic invasion, and had systematically deprived Kashmiri children of their cultural and historical heritage.

64. Mr. RAVENNA (Permanent Assembly for Human Rights) said the report prepared by the Commission for Historical Clarification in Guatemala was a welcome development, as were the recognition of "errors" committed by the United States Government and its apology for supporting Central American dictatorships for so many years. If that apology was to be credible, the United States should immediately ratify the Statute of the International Criminal Court.

65. In Paraguay, those responsible for the recent assassination of the Vice-President and the repression of the Paraguayan people should be punished, and elections should be held without delay and without preconditions. In Kosovo, dialogue should be encouraged, and the autonomy of the Kosovars should be respected. The parties to the conflict in Tibet should enter into direct negotiations without any preconditions, and the embargo against Cuba should be lifted.

66. Impunity was a direct affront to human dignity and the principle of equality under the law. The arrest of General Pinochet, investigations into the activities of Chilean and Argentine security services in the 1970s, and renewed legal proceedings against those in Argentina who had stolen babies born in captivity were welcome developments which, it was to be hoped, would help rid the world of impunity in the next century.

67. Mr. AL-ADHADH (Interfaith International) expressed concern for the Shiite population in Iraq following numerous assassinations and disappearances of religious leaders which had taken place since 1980, the latest being the assassination of Ayatollah Mohammed Sadiq As Sadr on 19 February 1999. The Special Rapporteurs on Iraq and on religious intolerance had documented the persecution of the Shiite population in Iraq. The Iraqi regime had refused to

cooperate with the Special Rapporteur on Iraq and rejected the monitoring efforts of the General Assembly and the Commission. It had also continued its policy of destroying ancient Shiite religious sites.

68. Because of their irreplaceable contribution to mankind, the assassination of spiritual and religious leaders was considered by the international community as a crime against humanity. In its resolution on Iraq, the Commission should call for a thorough investigation and should send the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on religious intolerance to investigate the situation and report their findings.

69. Mr. KAREHAM (International Association against Torture), speaking also on behalf of the December Twelfth Movement International Secretariat, said that within the United States the human rights of indigenous peoples, blacks, Latinos and Asians were violated systematically and on a daily basis. The United States had not ratified the International Covenant on Economic, Social and Cultural Rights, and had only ratified the International Covenant on Civil and Political Rights in 1992, with so many reservations that one member of the Human Rights Committee had stated "You have signed with one hand and erased the signature with the other". The Government maintained that the Constitution took precedence over ratified international treaties, despite constitutional provisions to the contrary.

70. In 1994 and 1997, the Clinton Administration had given little attention to the visits of the Special Rapporteurs on racism and extrajudicial, summary or arbitrary executions, and had still not submitted initial reports to the Committee against Torture and the Committee on the Elimination of Racial Discrimination, four years after they had fallen due. The bombings of Sudan and Afghanistan had been callous "pre-emptive" strikes which had violated Article 51 of the Charter. The continued sanctions against Iraq were taking a tremendous toll among Iraqi civilians, and particularly children. The United States had cynically used United Nations bodies to illegally gather intelligence in Iraq. It had also maintained its blockade of Cuba, which violated that country's right to development and self-determination.

71. The South Korean Government had, in 1998, declared an amnesty for prisoners held since the Korean War, but had failed to repatriate them to the north. It had also failed to abolish the National Security Act and the Security Observation Act, both of which were relics of the cold war. In Sri Lanka the Government had continued to wage war against the Tamil people, had failed to repeal the Prevention of Terrorism Act, had continued to detain political prisoners and had maintained press censorship. The Commission should appoint a country rapporteur for Sri Lanka.

72. It was heartening to note that after many years, some well-known NGOs had joined in denouncing human rights violations by the United States. That could only serve the ideal of a single standard for human rights evaluation. The Commission should appoint a country rapporteur for the United States, which had consistently shown that it would violate any human right, as well as international or domestic law, to protect its national interests.

73. Mr. MIOT (International Federation of Rural Adult Catholic Movements) said the neoliberal economic system, with its unfair distribution of wealth, lack of agrarian reform and inequitable access to natural resources, had had serious consequences for rural populations throughout the world. Their basic nutritional needs were not being met, yet doing so would cost only the equivalent of the annual perfume consumption of the Western world.

74. The concentration of land ownership and land expropriation were serious problems. In Paraguay, just 5,000 landowners accounted for 82 per cent of the total land area. In Brazil, Sierra Leone and Algeria, assassinations, mutilation and massacres were perpetrated to prevent farmers from working their land. In Egypt, rich families were acquiring an increasing amount of land as the poor were reduced to survival strategies. And in Europe, the liberalizing reform of the Common Agricultural Policy had increased unemployment and made the situation of some farmers even more precarious. In India, Christians and Dalits in Madyapradesh, Gujarath, Orissa and Binar had fallen victim to massacres and threats. The lower castes in some parts of the country were denied access to arable land, drinking water, education and health, and government social programmes simply did not reach them.

75. Impunity was the main reason for human rights abuses, and Governments had the responsibility to carry out exhaustive investigations, to identify the perpetrators and bring them to justice, and to provide compensation to the victims.

76. Ms. RUBICHON NEVEU (Asian Buddhist Conference for Peace) said the international community had its share of responsibility for the genocide, sterilization and bloody repression carried out by the Indonesian army in East Timor in the past 24 years. That had resulted in the decimation of 40 per cent of the population, as the international community had not been sufficiently firm in taking preventive action. The Indonesian authorities had ignobly but carefully eased the irreversible path of history. In an attempt to prove that they alone could ensure stability, they had armed civilians and loyalist groups which engaged in intimidation, repression, killings and other human rights violations. Apart from endangering lives, they were also compromising the consultation process. The people of East Timor, who had for years borne the brunt of oppression with little support from the outside world, demanded that the international community prevail upon the Government in Jakarta to disband the recently formed militias. Failing that, they would no doubt be forced to react, and the world would be faced with yet another bloodbath. Peacekeeping forces should be sent to East Timor to enforce the disarmament of all parties.

77. In India, soldiers were massacring innocent civilians in Assam, Nagaland, Manipur and Tripura, and in Bangladesh the conflict in the Chittagong Hill Tracts appeared to be insoluble.

78. Ms. REINARS (Nord-Sud XXI) said that she had been freed from Khiam prison on 2 September 1998 after 10 years in captivity, including six in solitary confinement. Since 1978, Israel had constantly invaded Lebanon in an attempt to occupy ever more territory, massacring men, women and children as at Sabra, Shatila and Qana, and using weapons forbidden by the international community. The Israeli military coerced the population in the south and the

western Bekaa valley to collaborate or leave their homes, and forcibly enrolled children as young as 14 in the army of their lackey, Antoine Lahd.

79. Detainees in Khiam prison could be held for years without ever being brought before a court. Some were just 15 years old, others were mothers who had been separated from their children. One detainee, Souleiman Ramadhan, had been held for 14 years and had had a gangrenous leg amputated. Among the prisoners held in Israeli prisons after being sentenced by kangaroo courts were some who had been in detention for 20 years. Others had been held since the age of 15 or had remained in prison for up to seven years after finishing their sentences. The Commission should condemn the Israeli occupation and demand that Israel withdraw its forces from Lebanon in accordance with Security Council resolution 425 (1978). It should call for the closure of Khiam prison, the existence of which was a violation of international law, demand the immediate release of all Lebanese detainees held there and in Israeli prisons, and condemn the decision handed down by the Israeli Supreme Court on 5 March 1998, which attempted to legitimize the detention of Lebanese citizens in Israel with a view to using them as bargaining chips in prisoner exchanges.

80. Ms. NEURY (Centre Europe-Tiers Monde) said that for 10 years her organization had been denouncing serious human rights violations in Turkey, and especially those related to the Kurdish question. Various United Nations treaty bodies, numerous special rapporteurs, the European Union, the Council of Europe, the Italian Parliament and many NGOs and human rights groups in Europe and Turkey had condemned the serious and massive human rights violations committed by the Turkish Government, army and paramilitaries, which included extrajudiciary and arbitrary executions, forced and involuntary disappearances, mass and arbitrary arrests and torture.

81. As the Italian Parliament and other bodies had done, the Commission should shoulder its responsibility and call for a political solution to the Kurdish question. After calling for a moment of silent reflection, she quoted Dostoyevsky, who had said that "Each of us is responsible for everything before all mankind".

82. Mr. QUERESHI (Afro-Asian People's Solidarity Organization) said that for years Pakistan had been ruled under one guise or another by the military. The country had no pluralist democracy with respect for the distinct identity of minorities. Though much attention had been paid to religious discrimination and persecution, it was perhaps less known that some Sunni Muslims too had been treated as inferiors by the Punjabi elite. The Seraiki people, who were linguistically and culturally distinct from the Punjabis, had suffered from discrimination, as had the Mohajirs, the Sindhis and the Baloch. Every effort had been made to demolish the identities of such minorities. The Government had kept census figures secret for years in order to quell any minority claims for rights.

83. The Seraikis had the misfortune of living in the Punjab, among the Punjabi majority. Any attempt to defend their ethos, language and aspirations was thus perceived as a direct threat, although recognition of their rights would only make Pakistan a stronger federal State. The international community should urge Pakistan to grant autonomy and full rights to minorities and respect their linguistic and ethnic identities.

The meeting rose at 8.55 p.m.